

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BEN EPPS and
AMY MONROE, as parents
and natural guardians of
AXEL EPPS and
BEN EPPS and AMY MONROE,
in their own right
615 W 11th Street, Apt #B3
New York, NY 10009

vs.

1.I.L., INC. d/b/a
INDEPENDENT LAKE CAMP
8033 Old York Road, Suite 203
Elkins Park, PA 19027

CIVIL ACTION

JURY TRIAL DEMANDED

NO.

07 2314

COMPLAINT-CIVIL ACTION

COUNT I

**BEN EPPS and AMY MONROE, as parents and natural guardians of
AXEL EPPS vs. 1.I.L., INC. d/b/a INDEPENDENT LAKE CAMP**

1. Plaintiff, Axel Epps, is a minor and a citizen of the State of New York.
2. Plaintiff, Ben Epps, is the parent and natural guardian of minor plaintiff, Axel Epps, and is a citizen of the State of New York.
3. Plaintiff, Amy Monroe, is the parent and natural guardian of minor plaintiff, Axel Epps, and is a citizen of the State of New York.
4. Defendant, 1.I.L., Inc. d/b/a Independent Lake Camp, is a Corporation and/ or business entity that is a citizen of the Commonwealth of Pennsylvania regularly doing business in Montgomery County, Pennsylvania.
5. Jurisdiction of the court in plaintiff's cause of action is invoked under 28 U.S.C. Section 1332. The amount in controversy exclusive of interest and costs is in excess of \$150,000.00.
6. On or about the 24TH day of June, 2005, at approximately 9:00 a.m., plaintiff, Axel Epps, a minor, was for good and sufficient consideration attending summer camp as a business

invitee and under the supervision of the defendant who was acting in loco parentis to the minor plaintiff, at the said campsite premises owned, possessed and controlled by defendant, I.I.L., Inc. d/b/a Independent Lake Camp, located in Orson, Wayne County, Commonwealth of Pennsylvania when the minor plaintiff due to the defendant's negligence was caused to fall from a bike and injure himself.

7. At the time and place of the minor plaintiff's accident he was with defendant's encouragement and permission and under its supervision engaged in riding defendant's bike on defendant's bike trail, which said activity was inappropriate for the minor plaintiff based on his age and experience.

8. At the time aforesaid, the carelessness and negligence of the defendant, I.I.L., Inc. d/b/a Independent Lake Camp through its agents, servants, workmen and/or employees, consisted of the following:

a. Failing to provide safe and adequate supervision of the minor plaintiff and failing, to fulfill its duties which it assumed for good and sufficient consideration to protect and safeguard the minor plaintiff.

b. Allowing, encouraging and providing the minor plaintiff with, a bike, helmet and/or other equipment to use which were inadequate, defective and/or for which the minor plaintiff was not adequately trained to use and/or which the minor plaintiff would not understand how to safely use.

c. Maintaining and allowing the minor plaintiff to use the defendant's bike track that was defective and/or inappropriate for the minor plaintiff based on his age and training which constituted a dangerous and an unreasonable risk of harm for his use when the defendant knew or should have known that the minor plaintiff would not be able to understand and appreciate the danger.

d. Failing to adequately inspect, discover, provide safe equipment, warn the minor plaintiff or otherwise make safe the said bike riding activity when defendant knew or should have known of the unreasonable risk of harm to the minor plaintiff that such activity constituted.

e. Failing to obtain the minor plaintiff parents' consent for the minor plaintiff to engage in the said bike riding activity when the defendant knew or should have known of the unreasonable risk of harm to the minor plaintiff that the said activity constituted.

9. As a result of the aforesaid carelessness and negligence of the defendant, minor plaintiff, Axel Epps, sustained serious, permanent and severe injuries in and about his person in the nature of: Closed head injury with post-traumatic permanent cognitive and psychological

impairment; fracture of the lateral wall of the right orbital; fracture of the right front sinus; pneumocephalus; fracture right lamina papyracea; subdural hematoma; lacerations to the face and forehead resulting in conspicuous permanent and disfiguring scars; bilateral myringitis and tinnitus; cervical strain and sprain; lumbar strain and sprain, together with a permanent shock to his nervous system, all of which caused him great pain and agony.

10. Minor plaintiff, Axel Epps will suffer future costs for medical treatment, psychological, neuropsychiatric therapies after he attains the age of 18 to his financial damage and loss.

11. Minor plaintiff, Axel Epps, will suffer a future loss of earnings and impairment of his earning capacity and power and thereby lose the emoluments which would come to him through employment, to his financial damage and loss.

COUNT II

**BEN EPPS and AMY MONROE, as parent and
natural guardians of AXEL EPPS
vs. 1.I.L., INC. d/b/a INDEPENDENT LAKE CAMP**

12. Plaintiffs, Ben Epps and Amy Monroe, incorporate by reference paragraphs 1 through 11, inclusive, the same as though fully set forth herein at length.

13. As a result of the injuries sustained, by their minor plaintiff son, Ben Epps and Amy Monroe, were and will be obliged to expend various sums of money for medicine and medical attention in and about endeavoring to treat and cure their son of his injuries to their great financial damage and loss and with a probability that future portion of those expenses will not be covered by insurance.

14. As a result of the injuries sustained by the minor plaintiff, plaintiffs, Ben Epps and Amy Monroe, will suffer a severe loss of the minor plaintiff's earnings until minor plaintiff attains the age of eighteen (18).

WHEREFORE, each of the plaintiffs demand damages against the defendant in an amount in excess of \$150,000.00, upon each count, together with interest and costs of suit.

By: 

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